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**APR 14 2005**

In re Application of :  
Kenneth Tarbet :  
Application No. 09/888,031 :  
Filed: June 25, 2001 :  
Attorney Docket No. 4001-00800 :

**OFFICE OF PETITIONS**  
**ON PETITION**

This is a decision on the petition under 182, filed January 19, 2005, which is being treated as a petition under 37 CFR 1.181, to accept the small entity fee for a petition under 37 CFR 1.137(b).

This application became abandoned for failure to reply timely to the Notice to File Corrected Application Papers mailed on August 24, 2001, which set a two-month extendable period to reply. Accordingly, this application became abandoned on October 25, 2001. A Notice of Abandonment was mailed on February 2, 2004. On March 1, 2004, petitioner filed a petition under 37 CFR 1.137(b) with the proper reply and a \$1,330.00 petition fee. The petition was granted by the decision of March 12, 2004.

In the present petition, petitioner explains that petitioner established small entity status on June 25, 2001. Petitioner further explains that petitioner mistakenly paid the large entity fee of \$1,330.00 for the petition under 37 CFR 1.137(b) filed on March 1, 2004.

Thereafter, petitioner requested that the Office credit the Deposit Account for the \$665.00 overpayment of the petition fee. On October 20, 2004, the Office mistakenly refunded the entire petition fee of \$1,330.00.

In the present petition, petitioner requests that the Office charge the Deposit Account for the small entity fee of \$665.00 for the petition under 37 CFR 1.137(b) filed on March 1, 2004.

The petition is **GRANTED**.

Deposit Account No. 50-1515 will be charged the fee of \$665.00 for the petition under 37 CFR 1.137(b) filed on March 1, 2004. The Office apologizes for the error. No fee is necessary for the filing of the present petition under 37 CFR 1.181.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

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